

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):		TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
CONSERVATORSHIP OF (NAME):			
DUTIES OF CONSERVATOR and Acknowledgment of Receipt of Handbook			CASE NUMBER:

DUTIES OF CONSERVATOR

When you have been appointed by the court as a conservator, you become responsible to the court and assume certain duties and obligations. All of your actions as conservator are subject to review by the court. An attorney is best qualified to advise you about these matters. You should clearly understand the information on this form. You will find additional information in the **Judicial Council Handbook for Conservators**, which you are required by law to possess.

I. THE CONSERVATEE'S RIGHTS

A conservatee does not lose all rights or all voice in important decisions affecting his or her way of life. All conservatees have the right to be treated with understanding and respect, the right to have their wishes considered, and the right to be well cared for by you. A conservatee generally keeps the right to (1) control his or her own salary, (2) make or change a will, (3) marry, (4) receive personal mail, (5) be represented by a lawyer, (6) ask a judge to change conservators, (7) ask a judge to end the conservatorship, (8) vote, unless a judge decides the conservatee isn't capable of exercising this right, (9) control personal spending money, if a judge has authorized an allowance, and (10) make his or her own medical decisions, unless a judge has taken away that right and given it to you. Ask your attorney what rights the conservatee does not have and consult your attorney when you are in doubt.

II. ☐ CONSERVATOR OF THE PERSON

As conservator of the person, you will arrange for the conservatee's care and protection, decide where the conservatee will live, and make arrangements for the conservatee's health care, meals, clothing, personal care, housekeeping, transportation, and recreation.

1. ASSESS THE CONSERVATEE'S NEEDS AND DEVELOP A GENERAL PLAN

You must assess the conservatee's needs and show how you plan to meet them in a *General Plan of Conservatorship* and file your plan with the court within 90 days after your appointment.

2. DECIDE WHERE THE CONSERVATEE WILL LIVE

You may decide where the conservatee will live, but you must choose the "least restrictive, appropriate" living situation that is safe and comfortable and allows the conservatee as much independence as possible. You must not move the conservatee from the state or place the conservatee involuntarily in a mental health treatment facility without permission of the court. You must notify the court of each change of the conservatee's address and your address.

3. PROVIDE MEDICAL CARE TO THE CONSERVATEE

You are responsible for ensuring the conservatee's health needs are met. You may not, however, give or withhold consent for medical treatment over the conservatee's objection *unless* the court has given you exclusive authority to consent because the conservatee has lost the ability to make sound medical choices.

4. FILE A STATUS REPORT

If you are conservator of the estate as well as conservator of the person, you must file with the court a *Status Report* on the conservatee's condition one year after your appointment and at least every two years after that.

(Continued on reverse)

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II. CONSERVATOR OF THE PERSON *(continued)*

5. WORK WITH THE CONSERVATOR OF THE ESTATE

If someone else is handling the conservatee's assets, the two of you must work together to be sure the conservatee can afford the care you arrange. Purchases you make for the conservatee must be approved by the conservator of the estate or you may not be reimbursed.

6. CONSULT YOUR ATTORNEY AND OTHER RESOURCES

Your attorney will advise you on your duties, the limits of your authority, the rights of the conservatee, and your dealings with the court. If you have legal questions, check with your attorney, not the court staff. Other questions may be answered better and less expensively by calling on local community resources. (To find these resources, see the *Handbook for Conservators* and the local supplement distributed by the court.)

III. ☐ CONSERVATOR OF THE ESTATE

As conservator of the estate, you will manage the conservatee's finances, protect the conservatee's income and assets, make an inventory of the conservatorship estate's assets, develop a *General Plan* to ensure the conservatee's needs are met, make sure the conservatee's bills are paid, invest the conservatee's money, see that the conservatee is receiving all the income and benefits he or she is entitled to, ensure that tax returns are filed on time, keep accurate financial records, and regularly report your financial accounts to the court. (NOTE: The assets and finances of the conservatee are known as "the estate.")

1. MANAGING THE ESTATE'S ASSETS

a. Prudent investments

You must manage the estate assets with the care of a prudent person dealing with someone else's property. This means you must be cautious and you may not make any speculative investments.

b. Keep estate assets separate from anyone else's

You must keep the money and property in this estate separate from anyone else's, including your own. When you open a bank account for the estate, the account name must indicate that it is a *conservatorship* account and not your personal account. Never deposit estate funds in your personal account or otherwise mix them with yours or anyone else's property, even for brief periods. Securities in the estate must be held in a name that shows they are estate property and not your personal property.

c. Interest-bearing accounts and other investments

Except for checking accounts intended for ordinary administration expenses, estate accounts must earn interest. You may deposit estate funds in insured accounts in financial institutions, but you should not put more than \$100,000 in any one institution. Consult with an attorney before making other investments.

d. Other restrictions

There are many other restrictions on your authority to deal with estate assets. Without prior order of the court, you may not pay fees to yourself or to your attorney, make a gift of estate assets, or borrow from the estate. If you do not obtain the court's permission when it is required, you may be removed as conservator or you may be required to reimburse the estate from your own personal funds, or both. You should consult with an attorney concerning the legal requirements affecting sales, leases, mortgages, and investments of estate property.

2. INVENTORY OF ESTATE PROPERTY

a. Locate the estate's property

You must locate, take possession of, and protect all the conservatee's income and assets that will be administered in the estate. You should change the ownership of most assets into the conservatorship estate's name. For real estate, you must record a copy of your Letters with the county recorder in each county where the conservatee owns real property.

b. Determine the value of the property

You must arrange to have a court-appointed referee determine the value of the property unless the appointment is waived by the court. You, rather than the referee, must determine the value of certain "cash items." An attorney can advise you about how to do this.

c. File an inventory and appraisal

Within 90 days after your appointment as conservator, you must file with the court an inventory and appraisal of all the assets in the estate.

(Continued on next page)

III. CONSERVATOR OF THE ESTATE (*continued*)**3. GENERAL PLAN FOR THE CONSERVATORSHIP**

Within 90 days after your appointment, you must file a detailed *General Plan* describing how you will manage the estate.

4. INSURANCE

You should determine that there is appropriate and adequate insurance covering the assets and risks of the estate. Maintain the insurance in force during the entire period of the administration (except for assets after they are sold).

5. RECORD KEEPING**a. Keep an accounting**

You must keep complete and accurate records of each financial transaction affecting the estate. The checkbook for the conservatorship checking account is your indispensable tool for keeping records of income and expenditures. You will have to prepare an accounting of all money and property you have received, what you have spent, the date of each transaction, and its purpose. You must describe in detail what you have left after you pay the estate's expenses.

b. Court review of your records

You must file a petition requesting the court to review and approve your accounting one year after your appointment and at least every two years after that. Save your receipts because the court may ask to review them also. If you do not file your accountings as required, the court will order you to do so. You may be removed as conservator if you fail to comply.

6. CONSULTING AN ATTORNEY

Your attorney will advise you and help prepare your inventories, accountings, and petitions to the court. If you have questions, check with your attorney, not the court staff. You should cooperate with your attorney at all times. **When in doubt, contact your attorney.**

IV. ☐ LIMITED CONSERVATOR (for the developmentally disabled only)**1. AUTHORITY SPECIFIED IN YOUR LETTERS**

As limited conservator, you have authority to take care of *ONLY* those aspects of the conservatee's life and financial affairs specified in your Letters of Conservatorship and the court's order appointing you. The conservatee retains all other legal and civil rights. Although most of the information in parts I-III of this form also applies to limited conservatorships (especially the duties of the conservator of the person), you should clarify with your attorney exactly which information applies in your case.

2. DUTY TO HELP CONSERVATEE DEVELOP SELF-RELIANCE

You must secure for the limited conservatee treatment, services, and opportunities that will assist him or her to develop maximum self-reliance and independence. This assistance may include training, education, medical and psychological services, social opportunities, vocational opportunities, and other appropriate help.

V. ☐ TEMPORARY CONSERVATOR

As temporary conservator, you have generally the same duties and authority as general conservators *except* the conservatorship will end on the date specified in your Letters of Temporary Conservatorship. Most of the information in parts I-III of this form also applies to temporary conservatorships, but you must consult your attorney about which duties you will *not* perform because of the limited time. A temporary conservator should avoid making long-term decisions or changes that could safely wait until a general conservator is appointed. As temporary conservator, however, you may not move a conservatee from his or her home or sell or give away the conservatee's home or any other assets without court approval.

**Sign the Acknowledgment of
Receipt on the reverse.**

(Continued on reverse)

CONSERVATORSHIP OF (NAME): 	CASE NUMBER:
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ACKNOWLEDGMENT OF RECEIPT
of Duties of Conservator and *Handbook for Conservators*
(Probate Code, § 1834)

1. A petition has been filed with the court requesting that I be appointed as a conservator.
2. I acknowledge that I have received the following:
 - a. ☐ A copy of this statement of the duties and liabilities of the office of conservator (***Duties of Conservator form***).
 - b. ☐ The ***Handbook for Conservators*** adopted by the Judicial Council (*check one*):
 - (1) ☐ and the *local court supplement* to "How to Find and Use Community Resources."
 - (2) ☐ no *local court supplement* is now available. I shall acquire a copy when it becomes available.

I declare under penalty of perjury under the laws of the State of California that the foregoing acknowledgment is true and correct.

Date:

..... (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF PETITIONER)
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*Social Security No.: _____	*Driver's License No.: _____
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Date:

..... (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF PETITIONER)
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*Social Security No.: _____	*Driver's License No.: _____
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Date:

..... (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF PETITIONER)
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*Social Security No.: _____	*Driver's License No.: _____
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* Supply your Social Security number and driver's license number ONLY if required to do so by local court rule. The law requires the court to keep this information CONFIDENTIAL. (Probate Code, § 1834(b).)

NOTICE

This statement of duties and liabilities is a summary and is not a complete statement of the law. Your conduct as a conservator is governed by the law itself and not by this summary or by the Judicial Council *Handbook for Conservators*. When in doubt, consult your attorney.